

Board Meeting

April 23, 2007

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on April 23, 2007.

The meeting was called to order at 7:30 p.m. by Mayor Pontieri with Trustees Crean, Dean, Devlin, Hilton, Krieger, McGiff, Village Attorney Snead and Deputy Clerk Detmer present.

The flag salute led by Marilyn Pontieri.

Mayor Pontieri read safety message.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the Board approved the Board meeting minutes of April 9, 2007

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the Organization Meeting minutes of April 9, 2007.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the Budget Meeting minutes of April 12, 2007.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board accepted the bills for the period ending April 23, 2007 as presented.

General Fund	\$249,61.04
Trust & Agency Fund	\$9,213.61
Capital Projects	\$139,508.69
Sewer Fund	\$13,435.71
BID Fund	\$2,561.27
Housing/Code Fund	\$2,248.22
Community Development Fund	\$4,369.85
General Bills	\$1,994.75
Total	\$422,948.14

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the Board approved request for general fund to loan Housing Code Fund \$6,669.46 and the Community Development Fund \$16,526.66 that will be returned back.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin and carried with Mayor Pontieri abstaining, the Board authorized Mayor Pontieri to be an additional credit card holder with no additional increase in credit card spending limit.

Mayor Pontieri stated that the card is to be used for either conferences and/or Village functions.

Deputy Clerk Detmer read: Notice is hereby given that a Public Hearing will be held on Monday, April 23, 2007 at 7:00 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Board of Trustees of the Village of Patchogue to amend Sections two and twelve of Chapter 56 of the Village Code regarding presumptions, penalties and enforcement. At said Public Hearing any person interested will be given the opportunity to be heard.

Deputy Mayor McGiff stated: this is just another tool that we are going to use in our crackdown of illegal housing. We want to thank Attorney Snead and especially the personnel of the Building Department, Peter Sarich and Carol Giglio, who really crafted this and added to it. Some of the more salient points to this is that we have a lot of people now putting separate entrances either into basements or whatnot. This addresses that specifically which will give us a law to enforce as to that. It addresses things like two or more gas meters, two or more water meters and motor vehicles routinely parked overnight at the premises. Another big one is that many houses are advertised as 2 and 3 family houses when in fact they are only a single family house. Or if something is advertised as a boarding house, we can crack down on it as such. It also addresses fines. I would propose a fine not exceeding \$5,000. So the public knows, this is not something like Grandma renting out a room; these are instances where it is a three bedroom house with fifteen people living in. Also as part of this law in addition to that fine, each month that the violation exists it is going to constitute a separate offense. And also, it is going to enable the Village Attorney or his designee to institute an action in the Supreme Court to shut down a house if they don't come into compliance. I think it is a comprehensive law, something that we kind of been doing, but it gives us some ammunition and validation if ever some of these landlords try to sue us. It's codified in a law. The judge has the option to fine them and/or imprison them. It is a violation under the penal law.

Mayor Pontieri stated: I really need to thank the Deputy Mayor. We have closed 10-12 houses, which is a number greater than the Town of Brookhaven, and we haven't been sued. We actually won in court against the Coalition of Landlords and Homeowners that have kind of controlled these housing cases over the last 8 or 10 years. The only time they were in court with us was the Durao case which was the same landlord who owned the house in Farmingville. Under Trustee McGiff's direction we closed that house and we had the Coalition actually admit in the paper that they lost. We received about \$10,000 worth of fine money. If you do it right, do it strategically, modify the laws, do it in a manner that is consistent with the law, you win the cases. But, you have to be very consistent with the approach. I thank Trustee McGiff for the hard work and ask that you please relay that to your department.

Attorney Snead stated: I would like to amend one portion under Section A. At the tail end add "for any additional .....

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the Board approved the request as stated above.

Deputy Clerk Detmer read: Notice is hereby given that a Public Hearing will be held on Monday, April 23, 2007 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Board of Trustees of the Village of Patchogue to amend Section 56-11 of the Village Code to require proper advertising for the sale of homes in a manner consistent with the approved number of bedrooms. At said Public Hearing any person interested will be given the opportunity to be heard.

Deputy Mayor McGiff stated: this goes hand in hand with the prior law. It's not a lot of brokers, but certain houses in the Village are advertised as a legal two family when it's just not so. It will make the brokers accountable. You have to advertise what in fact you are selling. They have the duty to come and see what the card says. I would craft a fine of \$5,000 also.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the Board approved the request as stated above.

Attorney Snead stated: we had talked about licensing real estate brokers and suggest that you revisit that and set a public hearing...

Mr. Kemp stated: I would suggest placing a section in the Village Code book that the real estate people abide by rather than by licensing.

Mayor Pontieri stated: that's something we will discuss. It's a good point.

B.I.D. Report – Dennis Smith stated: At the last BID Board meeting, funding was approved for three kiosk signs that would be a tourist information sign. The plan was to place them at the two ferry terminals as well as the railroad station. This would be a map-type size, with a layout of the Village noting restaurants, Theatre and other points of interest. We are working out the terms with the appropriate FINS, Brookhaven Town, etc., to get the okay to place these signs. The funding of these signs would come from façade grants which we have a surplus of since we didn't do anything with the façade program this year. We are also considering with helping with the advertising of the fireworks display on July 28<sup>th</sup> as well as perhaps lending a hand to the Cemetery Committee. That's going to be discussed at the next B.I.D. meeting. And any funding that is approved for those two projects, if approved, would come from the surplus façade funds as well.

Dennis Smith stated: If it pleases the Board, I would like to schedule the Annual B.I.D. Report to the Village Board on June 25<sup>th</sup>.

Mayor Pontieri stated: it will be put on the agenda.

Mayor Pontieri stated: today the Suffolk County Department of Economic Development and Workforce Housing has a Downtown Revitalization Committee and they came and did a walk through--took a look at Copper Beech and some of the things on Main Street. It's always nice to have people from the outside that have a different sense of community to take a look. The people were very pleased and impressed with what they saw.

Mayor Pontieri stated: I have said to people a number of times--I really do appreciate the cooperation between the BID and the Village. It really has been a pleasure to work with you and your Board.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Krieger, and unanimously carried, the Board cancelled the Board meeting set for June 11<sup>th</sup> as members of the Board will be attending the Conference of Mayors in Saratoga Springs.

Trustee Krieger stated: I would like to thank the BID for their project yesterday, valet parking—it worked wonderfully--people used it. A lot of people commented on it and liked it. The people that were working there were very professional and we hope you continue with that; it was very good. Yesterday at the Theatre was the Nelson Riddle Orchestra. It was a great show—terrific crowd of about 400 people and everybody seemed to have enjoyed themselves. It was a great matinee program. The Theatre is continuing to do great work over there. The Mayor and I were talking about bringing in a consultant to come in and help us. It is somebody who has been successful around the country in having theatre organizations work with community to develop marketing ideas and programs, etc. The Theatre is reaching out to a couple of people to bring that person in here and they have invited the Board to be part of that discussion. They work on how things are going on, how it's progressing, but most importantly is how we get the Chamber of Commerce, BID and other people involved in building a community theatre.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved \$2,000 commitment to the support of marketing the Theatre and getting community involved.

Trustee Krieger stated: the afternoon of April 29<sup>th</sup> the Atlantic Wind Symphony will be appearing. April 30<sup>th</sup> Geoffrey Wands the psychic will be appearing. Gateway's program is really great—Dreamgirls comes in on July 11<sup>th</sup>. What really is impressive is the children's program for the summer—Sleeping Beauty on July 14, Pinocchio on July 21, June West's Dinosaur Show on July 27, and there second big show is Surf Dreams. Thank you Paul Allen for bringing quality entertainment to the Village. Also, we are going to have an autumn chamber music series—violinists Jennifer Stumm and Suzie Park on Nov. 25<sup>th</sup>, Parker String Quartet on Sept. 23<sup>rd</sup>, Amstel Saxophone Quartet on Oct. 21<sup>st</sup>. A lot of things happening in the Theatre.

Trustee Crean stated: I would like to reset a Public Hearing at the request of the ARB to designate 178 East Main Street as a historical landmark. The notice we need to make requires a number of days for not only the property owner but also the residents of the community.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board set May 15, 2007 for a Public Hearing to consider designating 178 East Main Street as a historical landmark.

Trustee Crean stated: last Thursday the Mayor, myself and a couple of other residents from our community along with Assemblywoman Eddington took a fieldtrip to Bridgeport to visit a development that was actually converted by Artspace. They took a former department store in the heart of Bridgeport and converted it into a mixed-use property with retail and gallery space on the ground floor and residential/working space for artists on the upper floors of a vacant old department store which was vacant for approximately 25 years. While the City of Bridgeport has a great deal of eye appeal it has a great deal more challenges than the Village of Patchogue has. We really got a good sense of the creative energy that these artists brought to the area and it's something that gave us a good idea of what the possible Artspace project might bring to the Village. In addition to this fieldtrip that the Mayor and I went on, we actually got the results of the survey which was commissioned by the Village. Artspace did an online survey that was open for about two months in which by their recognition, it was the best survey results that they have ever had in their 25 year history. There was over approximately 200 respondents that said they would consider working and living within the Village of Patchogue and willing to make deposits now. The results of this survey will be analyzed by their office. They will try and get an estimate of how many units we would look to build, what type of artists we would like to try and attract—painters or musicians or sculptors or a combination of all the above. They will be coming back to Patchogue sometime in mid-May to meet with the Mayor and some local officials to put together the financing packages that need to come into play to acquire certain sites and also to help subsidize these units to make them affordable for artists. We are anxiously awaiting the analysis of that survey to try and move this forward.

Trustee Hilton stated: we are doing the finishing touches on fixing the docks; ready for another season down on Mascot, with the help of the Highway Department. We purchase insulation for the Beach Club with the surplus we had left from this year's budget, anticipating next fall we could rent out the Beach Club for extra revenue—a beautiful place for Village residents to have parties and functions. The Halycon Manor is at a point where we are waiting to take the windows from Village Hall and install. We have exposed beautiful floors that were covered by asbestos tile and are in fairly good shape.

Upon a motion made by Trustee Dean, seconded by Trustee Crean, and unanimously carried, the Board declared the repair of the swimming pool as a SEQUA Type II project and found Norco, Ltd. d/b/a Norberto Pools, 88 Garden Street, Garden City, NY 11530 to be a responsible bidder.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the Board unanimously accepted bid made by Norco Ltd. d/b/a Norberto Pools, 88 Garden Street, Garden City, NY 11530, not to exceed \$119,000 to remove and install filtration, recirculation, control and chemical equipment for the swimming pool for the Patchogue Village Pool located at Maiden Lane, Patchogue, New York as per bid specs.

Upon a motion made by Trustee Dean, seconded by Trustee Crean, and unanimously carried, the Board declared the repair of the roof at 380 Bay Avenue as a SEQUA Type II action found Saracino Construction Corp., 2220 Chestnut Ave., Ronkonkoma, New York 11779 to be a responsible bidder.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the Board unanimously accepted bid made by Saracino Construction Corp., 220 Chestnut Ave., Ronkonkoma, New York 11779 not to exceed \$68,500 to repair roof at 380 Bay Avenue, Patchogue as per bid specs.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the Board unanimously agreed to hire dockmasters for the 2007 Summer Season at the prevailing wage: Al Aberg, Frank Boyd, Robert Burston, Alicia Cornell, Phil Degaetano, Patrick Kenney, Steve Pliszak, Matthew Rodman, Pat Seostrom, Joseph Zarcone and Andrew Zarcone.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the Board approved request made by the Patchogue Garden Club to use the Community Gardens at the corner of South Ocean Avenue and Terry Street for their annual Plant and Yard Sale on Saturday, May 19, 2007 from 9 a.m. to 4 p.m. Peddler's fee to be waived.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request made by the River Elementary PTA to hole 5K Run in the Village on Sunday, May 6, 2007 at 9:30 a.m.

Deputy Mayor McGiff stated: today I had the opportunity to speak to with Peter O'Hara who is developing the end of South Ocean. They have 16 in contact right now. They are starting to advertise outside of the Patchogue area and are getting people from the north shore and he is very confident that their marketing strategy is going to pay off. Recently NEWSDAY mentioned Patchogue as a "restaurant destination."

Upon a motion made by Trustee Devlin, seconded by Trustee Krieger, and unanimously carried, the Board designated Kevin Murphy as a permanent member of the Planning Board, serving out the remaining two years of John Blake's term.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board designated William Rau as an Alternate on the Planning Board.

Upon a motion made by Trustee Devlin, seconded by Trustee Krieger, and unanimously carried, the Board approved paying the Alternates on the Planning Board, Zoning Board and Architectural Review Board a \$500 annually.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board set a Public Hearing for May 15, 2007, to amend Chapter 93 Art 7 of the Village Code regarding commercial signage. Attorney Snead is crafting a law regarding a lot of the issues that we have spoken about in the past—limitation on the size and number of paper window signs, limitation on the percentage of window coverage, getting into more detail on the use of neon signs, approval process on peel and stick lettering, approval process for painted-on lettering, the issue with the sandwich board signs, regulation of display windows, and limitation on hours of illumination of lighted signs.

Trustee Dean stated: I would like to bring everyone up to date on the dredging project of the Patchogue River. As many of you know, the game plan is to remove the spoils from the river, dewater them at the Hess site with Hess' permission—and they have been enormously cooperative in this, and then finally dispose of them at the Brookhaven Landfill. To make this happen we have had to secure two permits, one is a NYS DEC water quality certificate the other is a Department of the Army permit. It is a Federal waterway and we were required to get a Dept. of Army permit to dredge. We had the DEC permit in hand for almost a month and the Dept. of the Army was still going through the approval process. In fact, some agencies that are required to comment on the Public Notice before the Army Corps. can issue that permit hadn't even received the public notice. Through an old contact I have at the US Fish and Wildlife Service, I was able to make a couple of phone calls and get that public notice.... The result was we ended up getting that permit about five weeks later than we had planned. The terms and conditions of both of the permits don't allow for any dredging from June 1<sup>st</sup> of this year until October 1<sup>st</sup> of this year. It would effectively cut off the entire summer months. Once we got that permit in hand, we continued negotiations and discussion with the Hess Corp. on exactly on how we were going to use their property for dewatering. We had to have the terms and conditions of the permit before we could discuss how we were going to use their property. It's going to take a lengthy process. We have to cover the ground with 30 ml thick--essentially poly, the whole site has to be prepared and graded, the walls have to be knocked down, we have to cover the entire property, we have to set up bales which will contain the water... It is rather lengthy and ordering the material is going to take two weeks to get and another week of site preparation. That is if we made the phone call tonight. We are not making the phone call tonight because we do not have an agreement with Hess on how to protect the Village and protect Hess from contamination. They are concerned that what we pull out of the river is libel to contaminate their property. And we are concerned that if their property is already contaminated that we would be put on the hook for it. For have to iron that stuff out. The long and the short of it is we are not going to be able to dredge in the springtime. We are going to have to postpone the project until Oct. 1<sup>st</sup>. We are bitterly disappointed in this--nobody more so than myself. It wouldn't be responsible to press ahead at this point. There are too many opportunities for mistakes. We would be rushing through a significant portion of this project in a very, very short time. It's not likely that even if things went smoothly, we would be able to finish the dredging by June 1<sup>st</sup>. There is some indication that we could get a two week extension. I don't foresee DEC being a problem, but the Army Corps of Engineers is likely to be an issue. Their window ends at February 1<sup>st</sup>; we were real lucky to get it to June 1<sup>st</sup>. We can't get into the middle of a project and then demobilize and then have the contractor come back. It would be at a significant cost to the Village to have him show up for half the project and then have him come back. Although we were extremely hopeful and worked extraordinarily hard—kudos to the Mayor who twisted a few arms to get us this close—and I know he is as disappointed as I am. But, the smart decision after coming this far with the project would be essentially not to screw it up at this point and by going ahead and doing it too quickly. We have opted to ere on the side of caution.

Mayor Pontieri stated: I really do appreciate your hard work and it is a frustrating situation. But one, as Mr. Dean has indicated, there is too much work that has to be done right that when you are dealing with agencies as the Army Corps and the DEC, a misstep can put this thing into a million dollar hole.

Trustee Dean stated: even though it took the Army Corps forever and a day to get the permit back to us, which I don't understand--it wasn't all that complicated, it seems that reading the articles that we were extremely lucky to get a permit because a lot of towns in need of dredging are not being issued permits. I spoke to someone at the DEC and essentially what the Wildlife Agencies in the Federal government are doing is using dredging as a tool to manage fish stocks and their numbers. And what's happened they have put limits on dredging and what times you could do it, based on the perceived spawning cycles of these fish and it has failed. So what they are doing is taking a failed Wildlife Management Plan and running ahead with it even further so it can fail on even a bigger scale. We were lucky to get the permit. The permit let's us go ahead with this on Oct. 1<sup>st</sup> and we will be able to get everything squared away and go ahead with it then.

Public to be Heard:

Mr. Kemp, 68 Jennings Ave., asked: was the issue with the commercial trucks brought up when the laws were being passed.

Mayor Pontieri stated: no they were not. It is being reviewed by the Village Attorney at this time.

Mr. Kemp stated: I would like to address "Alive after Five" and the Brickhouse Brewery.

Mayor Pontieri stated: if you have something that has to do with health and safety and the agenda, then we will discuss it. If it is an issue such as that, please put it in writing and we will address it at a later date. I am limiting you to agenda items and/or health and safety.

Mr. Kemp asked: what guidelines are being used to determine historical status.

Mayor Pontieri stated: that goes to our ARB and there is within our Village Code a standard that they must follow. It becomes a recommendation from the ARB.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried the meeting was adjourned at 8:25 p.m.

Signed: Irene Detmer, Deputy Village Clerk

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